

Reporting Hazardous Materials Releases

Definitions:

What is a Release?

“Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency” (Health and Safety Code 25501(o))

Reporting Hazardous Materials Releases

Definitions:

“Threatened release”

Means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

What Hazardous Material Releases Require Notification?

- All significant spills, releases, or potential releases of hazardous materials must be **IMMEDIATELY REPORTED**
- Don't you just hate the term **SIGNIFICANT**?
 - Everyone wants to argue about what amount is.

What Hazardous Material Releases Require Notification?

- In addition all releases that result in injuries, or workers harmfully exposed, **MUST BE IMMEDIATELY REPORTED** (Cal Labor Code 6409.1 (b))

Reporting Hazardous Materials Releases

So who do you have to call?

- It seems like everyone wants to hear from you
- 911 (Especially if you need help)
- Local (CUPA » 619-338-2284)
- State (CalEMA » 800-852-8550)
Formerly California OES
- Federal (NRC » 800-424-8802)

Reporting Hazardous Materials Releases

So who do you have to call?:

- CalEMA (formerly OES) will normally notify any other agencies that must be notified of a release.
- Nevertheless, it is advisable to notify all the required agencies independently to insure that your regulatory obligations have been met.

Reporting Hazardous Materials Releases

California Reporting Requirements:

- Release Reporting - Business Plan Law
- RCRA Incident Reporting - Hazardous Waste Facilities under California Regulations
- Disposal Notification
 - Hazardous Waste Control Law
- Discharge Notification
 - Water Code Sections 13271-13271

Reporting Hazardous Materials Releases

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Reporting Hazardous Materials Releases

California Reporting Requirements (cont):

- Release Notification of Owners and Lessees of Real Property
 - Health and Safety Code Section 25359.7
- Release Reporting
 - Underground Storage Tanks under Calif. Law
- Release Reporting - California Vehicle Code

Reporting Hazardous Materials Releases

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Reporting Hazardous Materials Releases

California Reporting Requirements (cont):

- Waste, Sewage and Pollutant Discharge Notification - Water Code Sections 13260 & 13376 and Health and Safety Code Section 5411.5
- Oil Spills to Marine Waters
- Releases of Hazardous Substances to the Environment

Reporting Hazardous Materials Releases

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Reporting Hazardous Materials Releases

California Reporting Requirements (cont):

- Proposition 65 & Carcinogenic Chemicals
- CalOSHA Hazard Communication Standard
- Asbestos Notification
- Other occupational health and safety requirements
- Release reporting requirements for permits issued under the National Pollution Discharge Elimination System (NPDES) pursuant to the Federal Clean Water Act

Reporting Hazardous Materials Releases

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Reporting Hazardous Materials Releases

California Reporting Requirements (cont):

- Reporting required for Treatment, Storage, Disposal Facility permits (TSDF) issued under the Solid Waste Disposal Act
- Other release reporting requirements imposed under local/regional agency authorities

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Reporting Hazardous Materials Releases

Federal Reporting Requirements:

- CERCLA
- Emergency Planning and Community Right to Know (EPCRA)
- Discharge Reporting - Clean Water Act
- Incident Reporting - Hazardous Materials Transportation Act (HMTA)
- Emergency Incident Reporting - Toxic Substance Control Act

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Reporting Hazardous Materials Releases

Federal Reporting Requirements (cont):

- PCB Spill Notification - Toxic Substances Control Act
- Federal Reporting Requirements - releases from Underground Storage Tanks

Reporting Hazardous Materials Releases

Released Substance:

- To determine if a notification requirement exists under one of these acts the responsible party must first determine if the released material is listed.

Reporting Hazardous Materials Releases

Reportable Quantity:

- In most cases, only releases exceeding a specified amount (Reportable Quantity or RQ) must be reported.
 - Once it is determined that a material or substance is subject to regulation it must be determined whether the amount exceeds any established RQ.

Reporting Hazardous Materials Releases

Reportable Quantity:

- Determining how much of a material or substance has been released may require detailed calculation.
 - Technical Assistance may be necessary
 - If a release consists of a mixture of several chemicals, not all of which are subject to regulation, the mixture must be analyzed to determine how much of the regulated was released and whether it exceeded the RQ for that chemical.

Reporting Hazardous Materials Releases

Reportable Quantity:

- In some instances there may be a “Qualitative RQ”
 - For example, a release may only be reportable if a “significant amount” is released.
 - In those cases it may require people with technical backgrounds to make the determination.

Reporting Hazardous Materials Releases

Nature of the Event:

- Whether or not a release is reportable to a regulatory agency will depend on nature of the event.
 - One reporting requirement may apply to spills, while another may apply to discharges or disposals.

Reporting Hazardous Materials Releases

Nature of the Event:

- Generally, notification is required regarding significant releases from: facilities, vehicles, vessels, pipelines and railroads.

Reporting Hazardous Materials Releases

Who Must Report:

- Responsible party
- Most reporting requirements require the “Owner or Operator” the person in charge of the facility where the release occurs, or the “discharger” to file the report.
- Requirements for immediate notification of all “significant spills” or “releases” covers owners, operators, persons in charge, and employers.
- Under CERCLA the “person in charge” is obligated to report the release.

Reporting Hazardous Materials Releases

Who Must Report:

- Federal Law requires notification for all releases that equal or exceed federal reporting quantities:
 - Owners and operators (EPCRA)
 - Person in charge to report (CERCLA)

Reporting Hazardous Materials Releases

Failure to Report:

- Many reporting requirements impose significant civil and/or criminal penalties for each day that a report is not filed.
- Federal and State laws provide for penalties of up to \$25,000 per day for each violation of emergency notification requirements (Civil Penalties).

Reporting Hazardous Materials Releases

Failure to Report:

- Several reporting provisions also contain use immunity provisions.
- These provisions prohibit the use of the reported information in criminal prosecutions against the individual or the corporation who made the report.

Reporting Hazardous Materials Releases

What Information is Required:

- State notification requirements for a spill or release include:
 - Identify of the caller
 - Location, date and time of the spill or release
 - Substance and quantity involved
 - Chemical Name (if known, it should be reported if the chemical is extremely hazardous)
 - Description of what happened

Reporting Hazardous Materials Releases

What Information is Required:

- Federal immediate verbal reporting requires additional information (CERCLA chemicals) for spills that exceed federal reporting requirements which includes:
 - Medium or media impacted by the release
 - Time and duration of the release
 - Proper precautions to take
 - Known or anticipated health risks
 - Name and phone number for more information

Reporting Hazardous Materials Releases

Written Reports:

- Different statutes have different time requirements and criteria for submitting written reports.
- Generally after a verbal report is made to the required agencies an after action report should be provided as soon as possible.

Reporting Hazardous Materials Releases

Written Reports:

- Agencies in California that require written reports" include:
 - OES - Section 304 After Action Report
 - DTSC - Facility Incident or Tank System Release Report
 - California Division of Oil and Gas - Oil Spill at a Fixed Facility
 - Cal/OSHA - Serious injury or harmful exposure to workers

Reporting Hazardous Materials Releases

Written Reports:

- Written reports are required by several statutes including:
- California Health and Safety Code 25503 (c) (9)
- California Labor Code 6409.1 (a)
- Water Code 13260, 13267
- Title 42 U.S. Code 11004
- Federal Regulations - 49 CFR, 171.16

Reporting Hazardous Materials Releases

Response Procedures: Step by Step

- Handle the Emergency
 - First priority in the event is to insure that the proper steps are taken to control the release
 - Protect employees, public and the environment from exposure or injury

Reporting Hazardous Materials Releases

Response Procedures: Step by Step

- Handle the Emergency
 - Implement emergency procedures.
 - Make immediate notification to local emergency response organizations.
 - Keep records of the agencies notified and the information provided to those agencies.

Reporting Hazardous Materials Releases

Response Procedures: Step by Step

- Handle the Emergency
 - As soon as time allows, complete a Release Reporting Form


Reporting Hazardous Materials Releases

Response Procedures: Step by Step

- Prepare the Report
- Record the information provided to each agency
- Note any requests by those agencies
- Note offers provided by the reporting person to provide additional information or to perform any studies or remedial work.

INCIDENT/RELEASE ASSESSMENT FORM

Let's try and make this simple



The Industrial Environmental Association actively insists on strong environmental compliance efforts among member companies as a matter of written policy.

INCIDENT/RELEASE
ASSESSMENT FORM

If you have an emergency Call 911

Handlers of Hazardous Materials are required to report releases. The following is a tool to be used for assessing if a release is reportable.

Additionally, a non-reportable release incident form is provided to document why a release is not reportable.

INCIDENT/RELEASE
ASSESSMENT FORM

This document is a guide for assessing when hazardous materials release reporting is required by Chapter 6.95 of the California Health and Safety Code.

It does not replace good judgment, Chapter 6.95, or other state or federal reporting requirements.

INCIDENT/RELEASE
ASSESSMENT FORM

1. Was anyone killed or injured, or did they require medical care or admitted to a hospital for observation?
2. Did anyone, other than employees in the immediate area of the release evacuate?
3. Did the release cause off-site damage to public or private property?

INCIDENT/RELEASE ASSESSMENT FORM

4. Is the release greater than or equal to a reportable quantity (RQ)
5. Was there an uncontrolled or unpermitted release to the air?
6. Did an uncontrolled or unpermitted release escape secondary containment, or extend into any sewers, storm water conveyance systems, utility vaults and conduits, wetlands, waterways, public roads, or off site?

INCIDENT/RELEASE ASSESSMENT FORM

7. Will control, containment, decontamination, and/or clean up require the assistance of federal, state, county, or municipal response elements?
8. Was the release or threatened release involving an unknown material or contains an unknown hazardous constituent?

INCIDENT/RELEASE ASSESSMENT FORM

9. Is the incident a threatened release
A condition creating a substantial probability of harm that requires immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment?
10. Is there an increased potential for secondary effects including fire, explosion, line rupture, equipment failure, or other outcomes that may endanger or cause exposure to employees, the general public, or the environment?

INCIDENT/RELEASE ASSESSMENT FORM

If the answer is YES to any of the questions

- Report the release to CalEMA
 - (800) 852-7550
- Local CUPA
 - Daytime: (619) 338-2284
 - After hours: (858) 565-5255
- Note: other state and federal agencies may require notification depending on the circumstances

* Call 911 in an emergency *

INCIDENT/RELEASE ASSESSMENT FORM

IF IN DOUBT
REPORT THE RELEASE

NON REPORTABLE RELEASE INCIDENT FORM

**NON REPORTABLE RELEASE
INCIDENT FORM**

Date/Time Discovered _____

Date/Time Discharge _____

Discharge Stopped Yes No

Incident Business/Site Name _____

Incident Address: _____

Other locators: (Bldg, Room, Oil Field,
Lease, Well #, GIS Coordinates) _____

**NON REPORTABLE RELEASE
INCIDENT FORM**

Please describe the incident and indicate
specific causes and area affected

Photos attached? _____

Indicate actions to be taken to prevent
similar releases from occurring in the
future

**NON REPORTABLE RELEASE
INCIDENT FORM**

ADMINISTRATIVE INFORMATION

Supervisor in charge at time of incident: _____

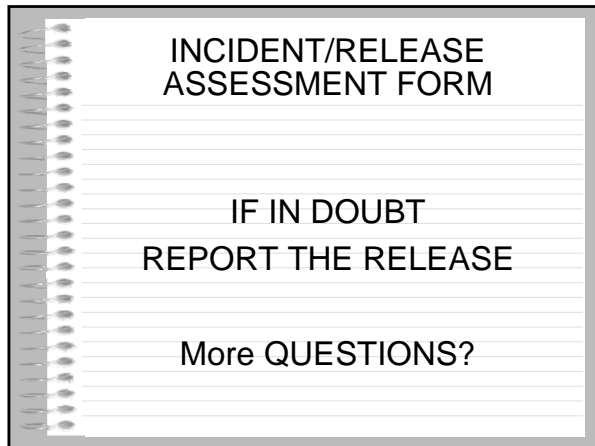
Contact Person _____

CHEMICAL INFORMATION

Chemical & Quantity Gal Lbs FT³

Clean-Up Procedures & Timeline: _____

Completed by: _____



INCIDENT/RELEASE
ASSESSMENT FORM

IF IN DOUBT
REPORT THE RELEASE

More QUESTIONS?
